IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.80 OF 2004

Sudhakar Bhojaya Shetty .. Petitioner.
Vs.
State of Maharashtra & Ors. .. Respondents.

Mr.A.K.Tripathi for the petitioner.
Mr.V.B.Konde-Deshmukh APP for respondent no.1.
Mr.Kuldeep Patil for respondent nos.2 to 5.

CORAM : D.B.BHOSALE, J.

DATED : 19TH AUGUST, 2004

P.C.:

. Heard Mr.Tripathi, learned counsel for the petitioner, Mr.Konde-Deshmukh, learned A.P.P. for respondent no.1 and Mr.Patil, learned counsel for respondent nos.2 to 5.

2. The petitioner-complainant has filed this revision application seeking cancellation of bail granted by the order dated 30.1.2004 passed by the Additional Sessions Judge, Palghar. By this order the respondent-accused were enlarged on bail. The respondent-accused were arrested in C.R.No.18/2004 registered at Nallasopara police station under section 394, 427 of Indian Penal Code. Mr.Tripathi, learned counsel for the petitioner

submits that the learned Magistrate erred in refusing police custody of the respondent-accused as a result of which the police could not carry out custodial interrogation of the accused and recover an amount of Rs.10,000/-. It appears that the order of learned Magistrate dated 19.1.2004, refusing police custody of the accused, was challenged in Writ Petition No.169/2004 before this court. The said writ petition came to be dismissed in April 2004. I have perused the order by which the bail was granted by the Magistrate and other material placed before me. In the instant case there do not exists any cogent and overwhelming circumstances warranting cancellation of bail already granted. There are no allegation of misuse of liberty against the respondent-accused. In the circumstances this revision application is rejected. It is needless to say that the Sessions Court shall deal with the case on merits in accordance with law and uninfluenced by the observations made in this order and the order dated 30.1.2004 passed by the learned Sessions Court by which the bail was granted.

(D.B.Bhosale, J.)